IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICITON

WRIT PETITION NO.8047 OF 2005

Soman Pramod Narayan .. Petitioner.
Versus
The Commissioner of Income-
Tax, Pune & Others .. Respondents.

Mr.Uday Warunjikar for the petitioner.

Mr.A.M. Kotangale with Mr.S.R. Chavan for the respondents.

CORAM : H.L. GOKHALE, &
J.P. DEVADHAR, JJ.

DATED : 17TH OCTOBER, 2006.

P.C. :

1. Heard Mr.Warunjikar in support of this petition. Mr.Kotangale appears for the respondents.

2. The petitioner seeks to challenge the order passed by the Commissioner of Income tax, Pune under Section 264 of the Income Tax Act dated 29th March, 2005 which has confirmed the order passed by the assessing officer dated 17th March, 2002. By that assessment order, the assessing officer had added an amount of Rs.4,97,000/- in the hands of the petitioner. Out of that addition, an amount of Rs.4,57,000/- is sough to be disputed. It is, however, seen that this addition was done on the basis of the petitioner's own statement recorded during the course of survey under Section 133A of the Income Tax Act, wherein he clearly stated that though he has

shown this amount of Rs.4,57,000/- as unsecured loan in his hands, he is not in a position to support his claim from the parties from whom the unsecured loan was received. He, therefore, accepted that this may be added as his additional income.

3. The petitioner has sought to contend that he had given an amount of Rs.4,57,000/- to his sister concern i.e. Shalini Granite and that amount was taxed in the hands of the petitioner since the source was not disclosed by Shalini Granite. We are not concerned with Shalini Granite in this petition.

4. In as much as the addition made in the case of the petitioner is concerned, he is not in a position to explain as to how this amount has come in his hands and in view of his own statement, the assessing officer was right in holding that the said amount is a part of his income and that part of the order is not disturbed by the Commissioner of Income Tax.

5. No reason to interfere with the impugned order. The petition is dismissed with no order as to costs.

(H.L. GOKHALE, J.)

(J.P. DEVADHAR, J.)